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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/735,725

12/16/2003

Tsunenori Yamamoto

503.39221CX1

3672

20457 7590 12/23/2008  
ANTONELLI, TERRY, STOUT & KRAUS, LLP  
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EXAMINER

PIZIALI, JEFFREY J

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

12/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10735725	12/16/03	YAMAMOTO ET AL.	503.39221CX1

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**EXAMINER**

Jeff Piziali

ART UNIT	PAPER
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2629

20081218

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply filed on 24 September 2008 is not fully responsive to the prior Office action because of the following two omissions or matters:

1. The Applicant is respectfully requested to clarify whether the election is being made with or without traverse.

The reply states, "As traversal, as pointed out in MPEP '803, if a search and an examination of an entire application can be made without serious burden, the Examiner must examine the application on the merits even though the application includes claims to distinct or independent inventions. Applicant's position is that it would not create a serious burden on the part of the USPTO to conduct a (continued) search and examination of the entire application" (see page 2, paragraph 2 of the reply filed on 24 September 2008).

The very next paragraph of the reply states, "In order to comply with the requirement, Applicant provisionally elects, without traverse, for prosecution on the merits, Species 1; Embodiment 1; Figs. 1-2 and 4-7; including at least claims 1-2, 4-5 and 7-8" (see page 2, paragraph 3 of the reply filed on 24 September 2008).

The Applicant is respectfully requested to clarify whether the election is being made with or without traverse.

2. The Applicant is respectfully requested to include an accurate listing of all claims readable on the elected species.

As noted above, the Applicant alleges claims 7-8 read on elected Species 1. This is incorrect.

Claims 7-8 state, "the illumination start time and the illumination "on" time of the illumination areas of the illumination unit are changed adaptively and determined so as to be average values weighted with a number of display data to be displayed at an area among values dependent on the individual display data according to the response of the liquid crystal display part after data emphasis and conversion."

Such subject matter reads on non-elected Species 2 (see Page 14, Lines 11-16 of the Specification).

The Applicant is respectfully requested to include an accurate listing of all claims readable on the elected species.

See 37 CFR 1.111. Since the above mentioned reply appears to be bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/Jeff Piziali/  
Primary Examiner, Art Unit 2629  
18 December 2008